

## **COUNTY OF FAIRFAX, VIRGINIA**

### **SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS**

WILLIAM G. HOHENSTEIN, SP 2014-MA-080 Appl. under Sect(s). 8-917 of the Zoning Ordinance to permit modifications to the limitations on the keeping of animals. Located at 4527 Brookside Dr., Alexandria, 22312 on approx. 1.29 ac. of land zoned R-1. Mason District. Tax Map 72-1 ((6)) 23A. Ms. Theodore moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on July 16, 2014; and

WHEREAS, the Board has made the following findings of fact:

1. The owner of the property is the applicant.
2. The present zoning is R-1.
3. The area of the lot is 1.3 acres.
4. As noted previously, this is a 1.3 acre lot. If the applicant had another two-thirds of an acre, by right, they would have the ability to have 64 chickens on their property. This request is to have three hens, so it does seem like a modest request.
5. They have worked with staff here as well as the staff of the Northern Virginia Soil and Water Conservation District to come up with a plan for management of the chickens and related to composting.
6. Ms. Theodore visited the home and looked at the location at least from the street, and it does look like there are trees to sort of screen on either side.
7. The applicant has reached out to neighbors to discuss the proposed plan to have the hens. There are letters of agreement from the other adjacent neighbor and another immediate nearby neighbors with respect to the proposal.
8. There is as noted a resource protection area, and that has been taken into account in addressing the plan for having the three hens.
9. Staff recommends approval, and the Board adopts their findings.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:


1. This approval is granted to the applicant, William G. Hohenstein only, and is not transferable without further action of the Board, and is for the location indicated on the application, 4527 Brookside Dr., and is not transferable to other land.
2. This special permit is granted only for the keeping of animals (fowl) and location of the proposed chicken coop and composting area located on the plat titled "Brookside Drive, Lot 23" edited by William Hohenstein, dated May 12, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit **SHALL BE POSTED in a conspicuous place on the property of the use** and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This approval shall be for a maximum of three chickens.
5. The yard used by the chickens shall be cleaned of animal debris and in a manner consistent with the outlined plan in the applicant's statement of justification, and the recommendations of the Northern Virginia Soil and Water Conservation District included in Attachments 1 and 2.
6. Animal waste or composted material shall not be disposed of within the RPA.
7. All chicken operation waste shall be thoroughly composted before use or distribution.
8. The composting site shall be covered to prevent leaching of pollutants.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use is established. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Mr. Beard seconded the motion, which carried by a vote of 5-0. Mr. Byers and Mr. Smith were absent from the meeting.

A Copy Teste:

  
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Suzanne Frazier, Deputy Clerk  
Board of Zoning Appeals

MAR 24 2014

Zoning Evaluation Division

Statement of Justification

William Hohenstein (for Ellie Hohenstein Age 14)

4527 Brookside Drive, Alexandria Virginia

Request to allow modification to the limitation on the keeping of animals to allow the keeping of three hen chickens

We are asking for a special permit, in accordance with Article 8, Part 9, Section 8-917, "Modification to the limitations on the keeping of animals." We would like to have three pet hens.

Our hens would be allowed outside of their coop under supervision, so they would be safe and healthy. Hens are beautiful animals that are very curious, interesting, and friendly.

Their home would be an enclosed coop that would be under shade in the summer time. It will have wire buried underneath it to keep predators from burrowing under. The coop is 52 1/2" high, and 82" inches long by 34" wide.

During the winter we would be using the "deep-litter" method. In this method there would constantly be 6-8 inches of bedding for the hens that would be refreshed when needed. During the warmer months the bedding would be changed when needed (about every 2-3 weeks), because the hens would not require the extra warmth.

The food supply would be stored indoors in our garage to prevent pests. The hens feeding area would be suspended to eliminate the possibility of predators getting into their food.

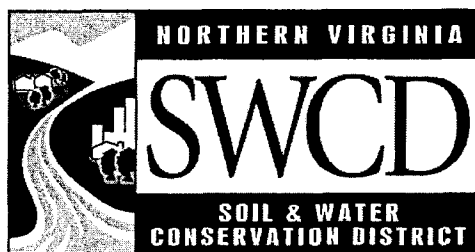
The litter and bedding will be composted in a compost pile to be located behind the garage, next to the vegetable garden – well away from the Resource Protection Area.

We have personally notified our directly adjacent neighbors, and other neighbors have been notified through a flyer.

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**Board of Directors**

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Jean R. Packard, Vice Chairman  
Johna G. Gagnon, Secretary  
George W. Lamb, Treasurer  
Adria C. Bordas, Director-Extension  
Laura T. Grape, Executive Director

**Contact**

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ConservationDistrict@fairfaxcounty.gov

*Working for Clean Streams and Protected Natural Resources in Fairfax County*

June 19, 2014

TO: Casey Gresham  
Fairfax County, Department of Planning and Zoning

FROM: Wilfred D. Woode  
Senior Conservation Specialist

RE: Special Permit for Backyard Chicken Operation

Below are my comments, following review of a special permit request to keep three chickens (hens) at the backyard of a 1.3 acre property located at 4527 Brookside Drive, in Alexandria.

Fairfax County Map records show that the proposed area of activity consists of steep slopes and the following soil types: 104D – Wheaton Fairfax Complex, and 38D – Fairfax Loam. The eastern third of the property consists of the Chesapeake Bay Resource Protection Area (RPA).

Considering the activity will be on less than five acres and will involve less than one animal unit, I'm not certain if the proposed operation can be classed as an "agricultural" activity, that will require the applicant to have a district approved Soil and Water Quality Conservation plan as is required in Fairfax County's Chesapeake Bay Preservation Program.

The purpose of the following comments is to make the applicant aware of some aspects of an environmentally sound backyard chicken operation practices that were not mentioned in the submitted statement of justification. Also, that he becomes aware that the Northern Virginia Soil and Water Conservation District can provide environmentally sound answers to questions he may have regarding aspects of the proposed operation.

- 1) Waste or composted material will never be disposed of within the RPA.
- 2) Composted waste (rich in nutrients) will be used in an environmentally sound manner, such as in a gardens or lawn areas (outside of the RPA), or may be made available to a neighbor/friend for similar use.
- 3) All chicken operation waste will be thoroughly composted before use or distribution to neighbors/friends, to avoid contamination of food items by E. coli or other potentially harmful bacteria.

4) Composting site should always be protected (covered) to prevent leaching of pollutants during excessive precipitation events. Preferably the composting site should be on an impervious base to prevent ground water pollution. Also, if the material is not contained, an earthen berm should be built around the up-hill side, to keep runoff from flowing through or washing away pile content.

5) "After Life" Concerns – Loss of bird(s) due to diseases or other health reasons. Dead birds may be buried onsite as an environmentally sound means of disposal, partly because the properties of the soil types are favorable to an environmentally safe burial. However, the following must be followed as guidelines –

- Burial will be only on the private property of the animal's owner. A tenant must first obtain permission from the property owner.
- Must be buried deep enough to cover the top of the animal with at least two (2) feet of compacted soil to prevent scavengers from unearthing the carcass and prevent nuisance to neighbors.
- Must be buried at least:
  - 100 feet from domestic water supply wells.
  - 25 feet from ponds and streams.
- Ground limestone may be applied to help neutralize odor

Additional reading material that provides good management tips is provided in our website:  
<http://www.fairfaxcounty.gov/nvswcd/newsletter/backyard-chickens.htm>

Do let me know if you have any questions on these comments.